

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

MAUD SMITH, *et al.*,)
Plaintiffs,)
vs.) No. 1:21-cv-00095-MTS
REYNOLDS COUNTY MISSOURI,)
TOM STOUT, SAMUEL HUFF,)
STEVE STOOPS, CODY NEWMAN,)
and DONALD HORN,)
Defendants.)

JUDGMENT AND ORDER APPROVING SETTLEMENT

This matter comes before the Court on Plaintiffs' Motion for Authority to Settle Wrongful Death Claim against Defendants Reynolds County, Missouri, Tom Stout, Samuel Huff, Steve Stoops, Cody Newman, and Donald Horn. The Court held a hearing on the Motion on January 6, 2023, in the Southeastern Division (Cape Girardeau), at which the parties appeared in person and by and through their attorneys, and at which Plaintiffs Maud Y. Smith, Isayah Smith, and Elyjah Smith testified.

Upon careful consideration of the record, including the evidence presented at the hearing, the Court finds that Maud Y. Smith, Isayah Smith, and Elyjah Smith are the only persons entitled to share in the proceeds of this suit pursuant to Mo. Rev. Stat. § 537.080.1(1). All of these persons have received actual notice of the pendency of this suit, this proposed settlement, and the hearing on these motions. The parties have waived trial by jury, evidence is adduced, and the Court having been fully advised of the premises thereof concludes the settlement amount is fair, reasonable, and just under Mo. Rev. Stat. § 537.090.

Accordingly, the Court finds and orders as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Motion for Authority to Settle Wrongful Death Claims as to Defendants Reynolds County, Missouri, Tom Stout, Samuel Huff, Steve Stoops, Cody Newman and Donald Horn, Doc. [34], is **GRANTED**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the cause of action and claim for injuries, damages, and losses of Plaintiffs against Defendants Reynolds County, Missouri, Tom Stout, Samuel Huff, Steve Stoops, Cody Newman and Donald Horn, its employees, agents, and affiliates be settled for the total consideration of Nine Hundred Thousand Dollars (\$900,000) ("Gross Settlement Proceeds").

ITS IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Counsel's attorneys' fees in the amount of Three Hundred Sixty Thousand Dollars (\$360,000) and expenses in the amount of Ten Thousand Two Hundred Eighty Dollars and Sixty Cents (\$10,280.60) shall be paid out of the Gross Settlement Proceeds to Walsh Law Firm, LLC who shall thereafter distribute said sums amongst Plaintiffs' Counsel per their agreement with Walsh Law Firm, LLC.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the total net settlement proceeds, after payment of Plaintiffs' Counsel's attorneys' fees and expenses, above, shall be apportioned as follows:

- (a)** One Hundred Seventy-Six Thousand Five Hundred Seventy-Three Dollars and Fourteen Cents (\$176,573.14) to Plaintiff Maud Smith, individually and as an heir and beneficiary of, and mother to, Adrian K. Smith, deceased;
- (b)** One Hundred Seventy-Six Thousand Five Hundred Seventy-Three Dollars and Thirteen Cents (\$176,573.13) to Plaintiff Isayah Smith, individually

and as an heir and beneficiary of, and natural child of, Adrian K. Smith, deceased;

(c) One Hundred Seventy-Six Thousand Five Hundred Seventy-Three Dollars and Thirteen Cents (\$176,573.13) to Plaintiff Elyjah Smith, individually and as an heir and beneficiary of, and natural child of, Adrian K. Smith, deceased.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon payment of the Gross Settlement Proceeds as described above, Defendants shall be discharged from any claim that said Plaintiffs had or might have against Defendants and/or their Insurer by reason of an incident which occurred between October 12, 2018 and November 19, 2018, resulting in personal and physical injuries to Adrian Smith.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the parties receiving distribution under this Order shall execute appropriate Releases and Receipts in favor of Defendants and any and all employees, agents, and affiliates.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that each party shall bear its own costs and attorney fees.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs shall file a satisfaction of judgment within ten (10) days after Defendants have paid to Plaintiffs the Gross Settlement Proceeds as set forth above. Plaintiffs likewise shall report and account to the Court that the net proceeds have been distributed as ordered.

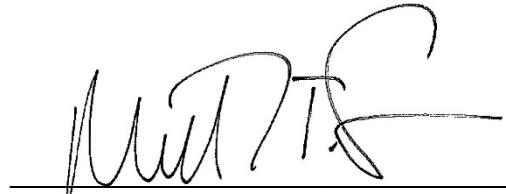
IT IS FINALLY ORDERED, ADJUDGED, AND DECREED that, upon payment of the Gross Settlement Proceeds as described above, Defendants, any and all of their employees, agents, and affiliates shall be forever discharged, free from any and all liability of whatever kind and

nature for the wrongful death of Adrian Smith.

Upon the filing of the remaining documents required by this Order, this action will be dismissed with prejudice by a separate Order of the Court.

So ordered.

Dated this 9th day of January 2023.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE